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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/418,628 | 10/15/1999 | TERRY L. WILLIAMS | 6785-109 | 9136 |

7590 09/13/2002

ROBERT J. SACCO
AKERMAN SENTERFITT
222 LAKEVIEW AVE., SUITE 400
P.O. BOX 6147
WEST PALM BEACH, FL 33402-6147

EXAMINER

IQBAL, KHAWAR

ART UNIT

PAPER NUMBER

2685

DATE MAILED: 09/13/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/418,628

Applicant(s)

WILLIAMS, TERRY L.

Examiner

Khawar Iqbal

Art Unit

2685

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 August 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-17 are rejected under 35 U.S.C. 102(e) as being unpatentable by Meyer et al (6236866).

Regarding claim 1 Meyer et al teaches a method for dynamically allocating signal processing resources in a wireless multichannel broadband base station (BBS) for a cellular communications network (abstract, figs.1-8), said method comprising the steps of:

determining a number of pooled available channel processor (CP) resources which are unused in said BBS, said BBS supporting a plurality of cells, each said CP

processing any of a plurality of traffic channels contained on any frequency channel assigned to said BBS (col. 4, lines 5-43, col. 9, 10-40);

in response to notification of a call originating from or to a subscriber in any of said plurality of cells, determining if said number of available CP resources of said BBS is at least one (col.4, lines 44-65, col. 9, lines 40-65);

selecting any of said available CP resources for processing of said call; and assigning said call to said available CP resource which has been selected (col.5, lines 1-35, col. 9, line 40-col. 10, line20).

Regarding claims 2-7 and 9-14 Meyer et al teaches decrementing the number of available CP resources by one after said assigning step, rejecting said call if all CP resources of said BBS are in use and incrementing a count of rejected calls each time a call is rejected for lack of sufficient available CP resources (col. 4, 3-65, col. 6, lines 10-56).

Regarding claim 8 Meyer et al teaches a resource management system for dynamically allocating signal processing resources in a wireless multichannel broadband base station (BBS) for a cellular communications network (abstract, figs.1-8), comprising:

means for determining a number of available pooled channel processor resources which are unused in said BBS, said BBS supporting a plurality of cells, each said CP processing any of a plurality of traffic channels contained on any frequency channel assigned to said BBS (col. 4, lines 5-43, col. 9, 10-40);

means responsive to notification of a call originating from or to a subscriber in any of said plurality of cells for determining if said number of available CP resources is at least one (col. 4, lines 44-65, col. 9, lines 40-65);

means for selecting any of said available CP resources for processing of said call; and means for assigning said call to said available CP resource which has been selected (col. 5, lines 1-35, col. 9, line 40-col. 10, line 20).

Regarding claims 15-17 Meyer et al teaches wherein said BBS is a sectorized BBS, said sectorized BBS supporting a plurality of sectors and BBS comprises a plurality of broadband transceivers (Figs. 2,8, col. 6, lines 55-65, col. 9, lines 11-40).

Response to Arguments

3. Applicant's arguments with respect to claims 1-14 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KHAWAR IQBAL whose telephone number is 703-306-3015.

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

Art Unit: 2685

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **URBAN EDWARD F**, can be reached at 703-305-4385.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314 (for Technology Center 2684 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).


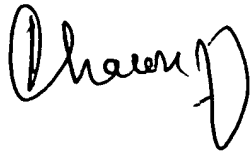
Application/Control Number: 09/418,628

Page 6

Art Unit: 2685

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Khawar Iqbal



EDWARD F. URBAN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600